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By: Raquel C. West

Date

05/29/08

ATTORNEY DOCKET NO.: 2002P03647US01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:

David J. Napolitano et al.

Application No.: 10/696,421

Filed: 10/28/2003

For: Diagnostic Ultrasound Imaging Method and System  
With Improved Frame Rate

Examiner: H.C. Bor

Group: 3768

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450TRANSMITTAL LETTER

Transmitted herewith is a submission of two (2) Terminal Disclaimers and Statement Under 37 CFR 3.73(b) in the above-identified patent application. Applicants initially filed two Terminal Disclaimers with an RCE on 01/29/2008 but these were disapproved by the Office for being signed by an Attorney not of record. Applicants believe the filing of the RCE was a bona fide attempt to provide a complete reply to the Final Office Action mailed 11/29/2007. The RCE should be treated as a proper and timely reply.

Please charge deposit account 19-2179 the sum of \$260.00 for the two Terminal Disclaimers. At any time during the pendency of this application, please charge any fees required or credit any overpayment to deposit account 19-2179 pursuant to 37 CFR 1.25.

PLEASE MAIL CORRESPONDENCE TO:

Siemens Corporation  
Customer No. 28524  
Attn: Elsa Keller, Legal Administrator  
170 Wood Avenue South  
Iselin, NJ 08830

Respectfully submitted,

Rosa S. Kim, Reg. No. 39,728  
Attorney(s) for Applicant(s)  
Telephone: (650) 694-5330  
Date: 5-29-08

MAY 29 2008

PTO/SB/96 (01-08)

Approved for use through 05/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Napolitano et al. / Siemens Medical Solutions USA, Inc.Application No./Patent No.: 10/696,421 Filed/Issue Date: 10/28/2003Entitled: Diagnostic Ultrasound Imaging Method and System With Improved Frame RateSiemens Medical Solutions USA, Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Napolitano et al. To: Acuson Corporation  
The document was recorded in the United States Patent and Trademark Office at  
Reel 020963, Frame 0152, or for which a copy thereof is attached.

2. From: Acuson Corporation To: Acuson LLC  
The document was recorded in the United States Patent and Trademark Office at  
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☒ Additional documents in the chain of title are listed on a supplemental sheet.

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

Richard Chiao

Printed or Typed Name

Vice President

Title

5/29/08

Date

650-694-5322

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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4. From: Acuson Corporation To: Siemens Medical Solutions USA, Inc.

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<b>TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT</b>	<b>Docket Number (Optional)</b> 2002P03647US01
<b>In re Application of:</b> David J. Napolitano et al. <b>Application No.</b> 10/696,421 <b>Filed:</b> 10/28/2003 <b>For:</b> Diagnostic Ultrasound Imaging Method and System With Improved Frame Rate	
<p>The owner*, Siemens Medical Solutions, USA, Inc., of <u>100%</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. <u>6,193,663</u>. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p>	
<p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p>	
<p>Check either box 1 or 2 below, if appropriate.</p>	
<p>1. <input checked="" type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/ organization.</p>	
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>	
<p>2. <input type="checkbox"/> The undersigned is an attorney of record. Registration No. _____</p>	
<p>Signature</p>	<p>Date</p>
<p>Richard Chiao, Vice President</p>	<p>(650) 694-5322</p>
<p>Typed or Printed Name</p>	<p>Telephone No.</p>
<p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included.</p>	
<p><b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.        * Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</p>	

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